

PETITION FOR A SPECIAL LAW RE: ELECTRIC
VEHICLE CHARGING STATIONS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

PURPOSE. The purpose of this law is to assist in reducing greenhouse gas emissions. Climate change is a real and pressing threat in the City of Cambridge. Transportation is responsible for approximately thirty percent (30%) of greenhouse gas emissions in the Commonwealth of Massachusetts. Many City of Cambridge residents have attempted to lower carbon emissions by purchasing personal electric vehicles as opposed to traditional gas-powered cars, which produce greenhouse gas emissions. Many City of Cambridge residents wish to have personal electric vehicle charging stations installed at their homes.

SECTION 1. Definitions.

For the purpose of this section:

“Electric vehicle charging system” means a system that is designed in compliance with Article 625 of the National Electrical Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging system may include several charge points simultaneously connecting several electric vehicles to the system.

“Association” means any association of homeowners, community association, condominium association, cooperative, or any other nongovernmental entity with covenants, bylaws, and administrative provisions with which a homeowner’s compliance is required.

“Owner” means a person or persons who own a separate lot, unit, or interest, along with an undivided interest or membership interest in the common area of the entire project, including but

not limited to condominiums, planned unit developments, and parcels subject to a homeowner's association.

"Separate interest" means the separate lot, unit, or interest to which an owner has exclusive rights of ownership.

"Dedicated parking spot" refers to both parking spots that are located within an owner's separate interest, as well as the parking spots that are in a common area, but subject to exclusive use rights of an owner, including, but not limited to, a deeded parking space, a garage space, a carport, or a parking space that is specifically designated for use by a particular owner.

"Reasonable restrictions" mean restrictions that do not significantly increase the cost of the station, significantly decrease its efficiency or specified performance, or effectively prohibit the installation altogether.

SECTION 2. Right of Owner to Install Electric Vehicle Charging Station.

An association may not prohibit or unreasonably restrict an owner from installing an electric vehicle charging station on or in areas subject to their separate interest, on or in areas to which they have exclusive use, or on a common element, so long as it was within a reasonable distance of the dedicated parking spot. Nothing in this section shall be construed to prohibit an association from making reasonable restrictions as defined in Section 1.

SECTION 3. Rules and Regulations.

- A. Installation of any electric vehicle charging station is subject to the following provisions:
 - a. The electric vehicle charging station must be installed at the owner's expense;
 - b. The electric vehicle charging station must be installed by a licensed contractor and/or electrician;

- c. An electric vehicle charging station shall meet all applicable health, safety and accessibility standards and requirements imposed by national, state, and local authorities, as well as all other applicable zoning, land use or other ordinances, or land use permits.
- B. The association may require an owner to submit an application before installing a charging station, subject to the following provisions:
- a. If the association requires such an application, the application shall be processed and approved by the association in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed;
 - b. The association shall approve the application if the owner complies with the association's architectural standards and the provisions of this law;
 - c. The approval or denial of an application should be in writing;
 - d. If an application is not denied in writing after sixty (60) days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information;
 - e. The association may not assess or charge the owner any fees for the placement of any electric vehicle charging station, beyond reasonable fees for processing the application, provided that such fees exist for all applications for approval of architectural modifications.

SECTION 4. Rights and Responsibility of Ownership.

The owner and each successive owner of the separate interest or with exclusive rights to the area where the electric vehicle charging system is installed shall be responsible for:

- a. Disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner under this section;
- b. If the electric vehicle charging station is removable and the owner intends to remove the station in order to install it at their new place of residence, they must also disclose this fact to prospective buyers;
- c. Costs for the maintenance, repair, replacement of the electric charging vehicle station until it has been removed, and for the restoration of the common area after removal;
- d. Costs for damage to the electric vehicle charging station, common area, exclusive common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the charging station;
- e. The cost of electricity associated with the electric vehicle charging station. Pursuant to this, the owner must connect the electric vehicle charging station to their own electricity utility account unless the licensed contractor performing the installation deems that to be impossible. In this circumstance, the association shall allow the owner to connect the electric vehicle charging station to the common electricity account but may require reimbursement by the owner to the association for the electricity costs, per the owner's responsibility for such costs.
- f. Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of any property of the association or of separate interests.

SECTION 5. Common Areas of Electric Vehicle Charging Stations.

An association may install an electric vehicle charging station in the common area for the use of all members of the association and, in that case, the association shall develop appropriate terms of use for the charging station.

SECTION 6. Severability.

The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions which remain in full force and effect.

SECTION 7. This act shall take effect thirty (30) days from passage.

Filed on: _____